

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-094023

04/11/2012

HON. TERESA SANDERS

CLERK OF THE COURT

C. Smothers

Deputy

IN RE THE MARRIAGE OF
STACIE M GILLETTE

J VINCENT GONZALEZ

AND

JOHN E GILLETTE

JOHN E GILLETTE
685 S CARDINAL ST
GILBERT AZ 85296

DOCKET-FAMILY COURT-SE
FAMILY COURT SERVICES-CCC

DECREE OF DISSOLUTION OF MARRIAGE

Jurisdiction

THE COURT FINDS:

1. At the time this action was commenced at least one of the parties was domiciled in the State of Arizona and that said domicile had been maintained for at least 90 days prior to the filing of the Petition of Dissolution of Marriage.
2. The conciliation provisions of A.R.S §25-381.09 have either been met or do not apply.
3. The marriage is irretrievably broken and there is not reasonable prospect for reconciliation.

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4. The parties have two minor children: Dalton (8-23-04), and Jordyn (4-6-06).
5. Mother is not pregnant.
6. The parties have each completed the parent education program required under A.R.S. §25-351 as evidenced by the Certificate of Completion filed by each party.
7. To the extent that it has jurisdiction to do so, the Court has considered, approved, and made provision for, when applicable, child custody and support, spousal maintenance, and the division of property and debts.

Based thereon,

Dissolution of Marriage

IT IS ORDERED dissolving the marriage of the parties and restoring each party to the status of a single person.

Legal Custody

THE COURT FINDS that the parties have two minor children in common: Dalton (8-23-04), and Jordyn (4-6-06). The Court has jurisdiction as Arizona is the “home state” of the children, pursuant to A.R.S. §25-1031(A). In accordance with A.R.S. §25-403 and the agreement of the parties, the Court finds that it is in the best interest of the minor children for the parties to be awarded joint legal custody of the minor children.

IT IS THEREFORE ORDERED:

1. The parties are awarded joint legal custody of the minor children. The parties understand that joint legal custody does not necessarily mean equal parenting time.
2. Each party is entitled to full and unrestricted access to all medical, dental, prescription, and health related records of the children and may secure information from and consult with all health care professionals providing care for the minor children. Each party shall keep the other party informed of the names, addresses, and telephone numbers of all such healthcare providers.

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3. Each party is entitled to equal, full, and unrestricted access to all education-related records and personnel, and have the right to be fully informed about and meaningfully participate in all educational decisions.
4. In the event of any emergency or urgent circumstance involving the children, the party then having physical custody of the children shall inform the other party of the nature of the emergency or urgent circumstance as soon as is reasonably possible.
5. Each party shall have the right to attend and participate in school conferences and activities, extra-curricular activities, and any other similar event in which parents are routinely invited or permitted to attend, even if said event is during the other party's parenting time.
6. Unless restricted by Court order, each party shall keep the other informed of his/her home address, home telephone number, employer and address, work telephone number, and, if applicable, cellular telephone number and e-mail address. If any of this information changes, the other party shall be informed of the change forty-eight hours in advance thereof, or as soon as possible afterward if advance notice is not possible.
7. The parties shall jointly decide major life decisions concerning their children. Major life decisions include, without limitation: the selection of schools; educational/special educational plans and needs; the selection of healthcare providers; dental and medical plans and needs; medical treatment; mental health plans, needs, and treatment; and, at times, religious training. In making major life decisions concerning the children, each party has an affirmative obligation to (1) confer in good faith with the other party, (2) give equal consideration to the other party's perspective, and (3) work cooperatively with the other party. If the parties decide to seek advice from healthcare professionals or educators, both parties shall be provided with and entitled to such advice before making their decision. If the parties cannot agree after making a good faith effort to come to an agreement regarding a particular issue, the parties shall mediate the dispute prior to initiating a proceeding with the Court, except in cases where there is a genuine and imminent threat to the health, safety, or welfare of the children.
8. Discussions/contract regarding parenting time issues shall occur between the parents only.

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9. Neither party shall make derogatory, disparaging, or similarly negative comments about the other party in the presence of the minor children. Neither party shall discuss family law legal proceedings with the children or use the children as a messenger for parenting issues.

Parenting Time

As part of the joint legal custody award,

IT IS ORDERED that neither parent shall be designated as the primary residential parent, and each parent will exercise equal parenting time with the minor children.

1. Father shall have every Monday from after school until return to school on Wednesday morning, Mother shall have every Wednesday from after school until return to school on Friday morning, and the parents shall alternate the weekends from after school on Friday until return to school on Monday morning.
2. The holiday schedule set forth in this paragraph shall take priority over the regular parenting time schedule set forth in the above paragraph:
 - a. Christmas Eve and Christmas Day: Christmas Eve shall be deemed to begin on December 24th at 10:00 a.m. and continue until December 25th at 10:00 a.m. Christmas Day shall be deemed to begin on December 25th at 10:00 a.m. and continue until December 26th at 10:00 a.m. In each even-numbered year, Father shall be entitled to parenting time with the children on Christmas Eve, and Mother on Christmas Day. In each odd-numbered year, Father shall be entitled to parenting time with the children on Christmas Day, and Mother on Christmas Eve.
 - b. Thanksgiving: Thanksgiving shall be deemed to begin at 6:00 p.m. on Wednesday night and continue until Friday at 6:00 p.m. Father shall be entitled to have parenting time with the children on Thanksgiving in even-numbered years, and Mother in odd-numbered years.
 - c. Easter: Easter shall be deemed to begin at 9:00 a.m. and end at 6:00 p.m. Father shall be entitled to parenting time with the children on Easter in even-numbered years, and Mother in odd-numbered years.

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- d. Mother's Day and Father's Day: Each year, the children shall be with Mother on Mother's Day from 9:00 a.m. until 9:00 p.m., and with Father on Father's Day from 9:00 a.m. until 9:00 p.m.
3. Each party shall have two weeks of consecutive vacation time over the summer with the children either within the state of Arizona or outside the state. Each party shall inform the other of the dates they intend to exercise said time by April 30th of each year. In the case of a conflict, Mother's preference shall prevail in even-numbered years and Father's shall prevail in odd-numbered years. If a party intends to exercise out of state vacation time, that party shall provide the other party with a written itinerary five (5) calendar days in advance of the vacation, and a telephone number at which the children may be reached during the vacation. Each party shall allow the other party reasonable telephone access with the children during the course of the vacation.
4. Father shall be responsible for the pick-up of the children at the start of his parenting time; Mother shall be responsible for the pick-up of the children at the end of Father's parenting time.
5. Each party shall allow the other party reasonable telephone access with the children while the children are in his/her physical custody. Such telephone access shall be before the children's ordinary bedtime and may be initiated by either party or the children. The party having physical custody of the children at the time of the telephone contact shall not listen in, record, or otherwise interfere with said contact.
6. Each party has the right and responsibility to make, during the time that party has physical custody, routine daily decisions regarding the children's care consistent with the major decisions made by the parties as joint legal custodians.
7. If either party disputes or seeks a change in either legal custody or parenting time, that party shall first attempt to resolve the dispute or change through private mediation or mediation provided by Conciliation Services. No petition to modify custody or parenting time shall be considered absent an affirmative statement by the party seeking modification that mediation has occurred and was unsuccessful, except in cases where there is a genuine and imminent threat to the health, safety, or welfare of the children.
8. At least every two years from the entry of this Decree, the parties shall review the terms of this parenting plan for the purpose of amending said plan in accordance

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with the needs of the children. If the parties cannot agree after making a good faith effort to come to an agreement regarding amendments to said plan, the parties shall mediate the dispute prior to initiating a proceeding with the Court.

Child Support

THE COURT FINDS, for the purpose of the calculating child support, the following monthly income/expenses/adjustments:

Mother's Income	\$1,560.00
Father's Income	\$4,583.33
Adjustments to Father's Income	\$(500.00)
Adjustments to Mother's Income	\$500.00
Child Care Expenses Paid by Mother/Father	\$0
Health Insurance Paid by Father	\$120.00
Parenting Time Adjustment	Equal days

These findings, and any other relevant financial factor required or allowed to be included by the Arizona Child Support Guidelines, are set forth in the Child Support Worksheet filed herewith and are hereby adopted by this reference. Therefore,

IT IS ORDERED that Father shall pay child support to Mother in the total amount of **\$231.57** per month, commencing September 1, 2011. All payments shall be made through the Support Clearinghouse through an automatic Order of Assignment issued this date. Father is advised that until such time as the Order of Assignment becomes effective, and during any time when no Order of Assignment is in place, Father has an affirmative obligation to pay the child support directly to the Support Clearinghouse. Father shall immediately notify the Court of any change in his employment by filing a Current Employer Information sheet.

The obligation for child support terminates when each child attains the age of 18 years or is otherwise emancipated, but in the event any child attains the age of 18 years while attending high school, support shall continue to be provided during the period in which said child is actually attending high school but only until the child reaches 19 years of age. If the parties have more than one child, the amount of child support owed is **not automatically reduced** by the child's share as each child is emancipated; rather the parties **must request a modification** of the child support order in writing and pursuant to the Arizona Rules of Family Law Procedure. Provisions for health insurance and uninsured health expenses for the children, as provided for below, shall be deemed to be additional child support and shall be enforceable as such.

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Pursuant to A.R.S §25-503(I), the right to receive child support payments as provided herein vests as each installment falls due. Each vested child support installment is enforceable as a final judgment by operation of law.

Medical Insurance

IT IS ORDERED that Father shall maintain medical insurance for the minor children. Father shall ensure that Mother is kept informed at all times of the name and address of the insurance provider as well as the policy number. Additionally, Father shall provide Mother with valid insurance cards, policy information, and any updated information changes.

IT IS FURTHER ORDERED that any uncovered or uninsured medical, dental, orthodontic, optical, prescription expense, deductible, and co-pay shall be paid 50% by Father and 50% by Mother. If one party pays a health-related expense, any request for reimbursement of the other party's share shall be made within 180 days after the date the health-related services are rendered. A request for receipts or other evidence of payment shall be provided by the party seeking reimbursement upon request of the party from whom reimbursement is sought. The party from whom reimbursement is sought shall make such reimbursement, or make acceptable payment arrangements, within 45 days of the request for reimbursement. Both parties shall use their best efforts to obtain services that are covered by the insurance. A party who is entitled to receive reimbursement from the other party for medical costs not covered by insurance shall, upon request of the other party, provide receipts or other evidence of payments actually made.

Dependency Exemption

Pursuant to the agreement of the parties,

IT IS ORDERED that commencing in tax year 2012, Mother may claim the dependency exemption for Jordyn in all tax years, and Father may claim the dependency exemption for Dalton in all tax years. If the party entitled to the exemption does not realize a financial benefit from the exemption for a given tax year, the other party shall be entitled to claim the tax exemption for that tax year.

IT IS FURTHER ORDERED that Father's right to claim the exemption in any given year is conditioned upon payment by Father by December 31st of the total Court-ordered monthly child support obligation for that calendar year and any Court ordered arrearage payments due during the calendar year for which the exemption is to be claimed.

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Exchange of Income Information

IT IS ORDERED that the parties shall exchange income information every twenty-four (24) months from the date of the entry of this Decree of Dissolution of Marriage for so long as a child support obligation is in place. Said financial information shall include, but is not limited to: personal tax returns with all schedules, affidavits of financial information, earning statements, and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

Spousal Maintenance

THE COURT FINDS that Wife qualifies for an award of spousal maintenance under A.R.S. §25-319 in that she (1) lacks sufficient property, including property apportioned to her, to provide for her reasonable needs. In determining the amount and duration of spousal maintenance, the Court has considered the factors set forth in A.R.S. §25-319(B). The Court finds as to those factors:

1. The standard of living established during the marriage.

The parties enjoyed a moderate standard of living and Mother was able to serve as a stay-at-home mother.

2. The duration of the marriage.

The parties were married for 10 years at the time the Petition for Dissolution of Marriage was filed.

3. The age, employment history, earning ability and physical and emotional condition of the spouse seeking maintenance.

Mother is 44 years old. Up until October 2011 she had not been employed on a full-time basis for several years and had served as a stay-at-home mother. She is currently working two jobs. She has no mental or physical health conditions that prevent her from being employed.

4. The ability of the spouse from whom maintenance is sought to meet that spouse's needs while meeting those of the spouse seeking maintenance.

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Father is able to contribute to Mother's financial needs while meeting his own.

5. The comparative financial resources of the spouses, including their comparative earning abilities in the labor market.

Father currently has a much higher earning ability in the labor market.

6. The contribution of the spouse seeking maintenance to the earning ability of the other spouse.

Mother stayed home and cared for the parties' children while Father advanced in his career.

7. The extent to which the spouse seeking maintenance has reduced that spouse's income or career opportunities for the benefit of the other spouse.

See #6 above.

8. The ability of both parties after the dissolution to contribute to the future educational costs of their mutual children.

By the time the parties' children are of college-age, both parents should be able to contribute.

9. The financial resources of the party seeking maintenance, including marital property apportioned to that spouse, and that spouse's ability to meet that spouse's own needs independently.

Mother currently earns \$9.50 per hour as a daycare provider, and works a second job as a hotel clerk for \$9.00 per hour. There are not significant community assets to be divided between the parties. She is currently struggling, and unable to meet her own needs independently.

10. The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment and whether such education or training is readily available.

Up until very recently, Mother had not been employed on a full-time basis for several years. She was able to find employment relatively quickly. She is young and able-bodied and should be able to be self-supporting in the very near future.

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11. Excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.

This factor is not applicable.

12. The cost for the spouse who is seeking maintenance to obtain health insurance and the reduction in the cost of health insurance for the spouse from whom maintenance is sought if the spouse from whom maintenance is sought is able to convert family health insurance to employee health insurance after the marriage is dissolved.

Mother will have to obtain her own health insurance.

Based upon these findings,

IT IS ORDERED that Husband/Wife shall pay to Wife/Husband spousal maintenance in the amount of **\$500.00** per month, commencing September 1, 2011. The term of the spousal maintenance award shall be a total of twenty-four months. All spousal maintenance paid by Husband to Wife shall be tax deductible for Husband and shall be deemed income to Wife for income tax purposes. Further, the award shall be modifiable as to amount and duration in accordance with A.R.S. Section 25-327, but shall terminate upon the death or remarriage of Wife.

The spousal maintenance payments shall be made through the Support Clearinghouse. An automatic Order of Assignment is issued herewith. Until it becomes effective, Husband shall be responsible for ensuring that the payment is made through the Support Clearinghouse.

Personal Property

IT IS ORDERED:

1. Each party shall retain as his or her sole and separate property any and all personal property in that party's possession, including, without limitation, furniture, household items, appliances, tools, art work, collectibles, and personal effects. Father is awarded the 32" Sony television, and Mother is awarded the lawn mower and patio furniture.
2. Each party shall retain as his or her sole and separate property any savings, checking or other financial account held in that party's name.

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3. Father is awarded the Isuzu vehicle subject to him being solely liable for any loans or financial obligations associated therewith. However, Mother may keep possession of the vehicle until July 5, 2012.
4. The children may choose 25 DVDs to take to Father's residence.
5. The 2011 tax refund in the approximate amount of \$3,249.00 shall be divided equally between the parties.
6. Any community, joint tenancy, or other property held in common by the parties which is not the subject of any orders herein shall be held by the parties as tenants in common, each possessing an undivided one-half interest, as of the date of this Decree.

Debts

IT IS ORDERED that Father shall be solely liable for, indemnify and hold Mother harmless from the following debts and financial obligations:

1. The American Express debt in the approximate amount of \$13,161.00.
2. The State of Arizona debt in the approximate amount of \$3,283.00.
3. The Citi Financial debt in the approximate amount of \$10,769.00.
4. The Dell Financial debt in the approximate amount of \$2,591.00.
5. The Citibank debt in the approximate amount of \$656.00.
6. The JC Penney debt in the approximate amount of \$1,245.00.
7. The Sears debt in the approximate amount of \$903.00.
8. The 401(k) debt in the approximate amount of \$10,263.00.
9. The Wells Fargo debt in the approximate amount of \$8,815.00.
10. The CPS, Inc. debt in the approximate amount of \$7,218.00.

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11. Unless otherwise provided herein, any financial obligations associated with or arising from any property awarded to Father herein.
12. Any debts or financial obligations incurred by Father after the date of service of process.
13. If Mother is named as a liable party on any debt listed above, Father shall, within sixty days, take all available steps to remove Mother's name as a liable party from said debt.

IT IS FURTHER ORDERED that Mother shall be solely liable for, indemnify and hold Father harmless from the following debts and financial obligations:

1. The "Emerge" debt in the approximate amount of \$1,229.00.
2. Unless otherwise provided herein, any financial obligations associated with or arising from any property awarded to Mother herein.
3. Any debts or financial obligations incurred by Mother after the date of service of process.
4. If Father is named as a liable party on any debt listed above, Mother shall, within sixty dates, take all available steps to remove Father's name as a liable party from said debt.

IT IS FURTHER ORDERED that any debts or financial obligations not addressed herein or subsequently discovered and incurred by either party prior to the date of service of process shall be the sole obligation of the party who incurred said debt or obligation, and that party shall indemnify and hold the other harmless therefrom.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ HONORABLE TERESA SANDERS

JUDGE OF THE SUPERIOR COURT

FILED: Child Support Worksheet

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All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.